

S/N 09/744,384

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	STUDER ET AL.	Examiner:	N. VOGEL
Serial No.:	09/744,384	Group Art Unit:	1636
Filed:	MARCH 16, 2001	Docket No.:	11613.37USWO
Confirmation No.:	5331	Customer No.:	23552
Title:	CELL EXPANSION SYSTEM FOR USE IN NEURAL TRANSPLANTATION		

CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on January 30, 2004.

By:

Name: Sheryl A. Boerboom

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, The Government of the United States of America as represented by the Secretary, Department of Health and Human Services, Suite 325, 6011 Executive Boulevard, Rockville, Maryland 20852, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/744,384, filed on March 16, 2001 and entitled CELL EXPANSION SYSTEM FOR USE IN NEURAL TRANSPLANTATION, by virtue of our assignment recorded at Reel 11643, Frame(s) 477.

Petitioner, The Government of the United States of America as represented by the Secretary, Department of Health and Human Services, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Application No. 10/258,975 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Application No. 10/258,975, this agreement to run with

any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of U.S. Application No. 10/258,975, in the event that U.S. Application No. 10/258,975 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

Jan 30, 2004

By: Mark T. Skoog  
Reg. No. 40,178  
Title: Attorney of Record

**23552**

PATENT TRADEMARK OFFICE

**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, \_\_\_\_\_,  
this terminal disclaimer is accepted. The period of patent lapse specified above has been  
accepted as equivalent to \_\_\_\_\_ months.

\_\_\_\_\_  
Petitions Examiner